

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG - 3 2016

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALCOLM A. BURKS,

Defendant

No.

4:16CR00337 CDP/SPM

INDICTMENT

COUNT ONE

The Grand Jury charges that:

On or about May 17, 2016, in St. Louis County within the Eastern District of Missouri,

MALCOLM A. BURKS,

the Defendant herein, having been convicted previously in a Court of Law of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm which had previously traveled in interstate or foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT II

The Grand Jury further charges that:

A. INTRODUCTION

At all times pertinent to the charges in this indictment: MALCOM A. BURKS and Vershell Renee Franklin were not federally licensed importers, manufacturers, dealers, and collectors of firearms.

B. THE CONSPIRACY

Beginning at a time unknown, but including May 30, 2016, and through on or about June

20, 2016, with the exact dates unknown to this Grand Jury, in the Eastern District of Missouri and elsewhere,

MALCOLM A. BURKS,

the defendant herein, did knowingly and willfully conspire, combine, confederate and agree with other persons, known and unknown to the Grand Jury, including unindicted coconspirator Vershell Renee Franklin, to commit offenses against the United States, to wit: to knowingly make false and fictitious oral or written statements to a licensed firearms dealer, Cabela's Retail – Hazelwood, Missouri, which statements were intended and likely to deceive said licensed firearms dealer with respect to a fact or facts material to the lawfulness of the sale of firearms under Chapter 44 of Title 18, of the United States Code, in that Vershell Renee Franklin represented that she was the actual buyer of said firearms when, in fact, Vershell Renee Franklin was acquiring said firearms on behalf of and at the direction of Malcolm A. Burks, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2); and

C. OVERT ACTS

In furtherance of said conspiracy and to affect the objects thereof, overt acts were committed in the Eastern District of Missouri, including, but not limited to, the following:

1. On or about May 30, 2016, defendant MALCOLM A. BURKS arranged to meet Vershell Renee Franklin for the purpose of obtaining one or more firearms.
2. On or about May 30, 2016, defendant MALCOLM A. BURKS told Vershell Renee Franklin that he had lost his job, needed money, wanted to buy firearms to sell on the street to make a profit and already had a buyer for one or more firearms.
3. On or about May 30, 2016, defendant MALCOLM A. BURKS drove his vehicle with Vershell Renee Franklin as his passenger to Cabela's Retail – Hazelwood, Missouri, wherein MALCOLM A. BURKS told the Cabela's sale clerk that Vershell Renee Franklin wanted to

purchase firearms, including a Kimber MFG, Custom II model, .45 caliber pistol and a Sig Sauer MPX model 9 mm pistol.

4. On or about May 30, 2016, defendant MALCOLM A. BURKS handled one or both of the Kimber and Sig Sauer firearms while at Cabela's Retail.

5. On or about May 30, 2016, Vershell Renee Franklin completed an ATF Form 4473, attesting that the firearms were being purchased for her and for no one else.

6. On or about May 30, 2016, defendant MALCOLM A. BURKS paid a down payment of \$667.56 toward the total cost of \$2,499.98 for the Kimber MFG, Custom II model, .45 caliber pistol bearing serial number K515837 and the Sig Sauer MPX model 9 mm pistol bearing serial number 62B018207.

7. On or about June 3, 2016, after the sale of the firearms was delayed by Cabela's Retail on May 30, 2016, defendant MALCOLM A. BURKS drove with Vershell Renee Franklin as his passenger to Cabela's to complete the sale of the Kimber and Sig Sauer firearms.

8. On or about June 3, 2016, MALCOLM A. BURKS stated to the sales clerk/manager that he and Vershell Renee Franklin were married and that the guns were for "them."

9. On or about June 3, 2016, after being told by the sales clerk/manager that Cabela's was denying the sale of the firearms to them, defendant MALCOLM A. BURKS angrily left Cabela's, followed by Vershell Renee Franklin.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

Antoinette Decker #76352CA
Assistant United States Attorney